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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,776	12/03/2004	Josef Laumen	071308.1105	5309

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EXAMINER	
FOTAKIS, ARISTOCRATIS	
ART UNIT	**PAPER NUMBER**
2611	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/516,776	LAUMEN ET AL.	
	Examiner	Art Unit	
	ARISTOCRATIS FOTAKIS	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12/24/2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *12 - 24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *12 - 24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *12/24/2008*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 12 – 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mostafa (WO 2002/043414) in view of Liwerant et al (US 2002/0056123).

Re claim 12, Mostafa discloses of a method for transmitting data in a communication system (Page 1, Lines 5 - 7) wherein the MMS data comprises individually linked and different data elements (*audio or video or a combination of different streams*) that are coded to standards (Page 4, Lines 6 – 13), the method comprising: performing at least one of a data type and a data format conversion on at least one of the data elements (*audio or video*) in accordance with a profile of a receiver of the data (Page 7, Lines 18 - 28). Mostafa teaches of adapting the network entity to translate the media components between at least two different formats (Page 8, Lines 26 – 31 to Page 9, Lines 1 - 2, Page 20, Lines 5 – 25). However, Mostafa does not specifically teach of updating a link, after the conversion to maintain a validity of the link in the data between the different data elements.

Liwerant teaches of a sender A sending a video attached to an email to a mail server B. The mail server is bidirectional to a processing server C (Fig.1C) that performs various video and file conversion (#1425, Fig.1B) and identification processes and is in bidirectional communication with a streaming server D (#40, Figs.1A and 1B). The streaming server D also creates one or more identifiers (identification tag, URL) for the video file. The streaming server D stores the video in streaming video format and also can store an identification tag for the video on itself or on the databases (60, 61). The

identification tag, or another identifier of the video, such as the thumbnail and/or the URL, is communicated back to the sender A's computer (10) by way of one or more of the streaming server D, the processing server C, and the mail server B. The operator of sender A's computer (10) can then use the identifier to request that the video be streamed to sender A's computer 10 for viewing, and/or the operator of sender A's computer (10) can provide the identifier to another viewer, for example, by way of a Web page, or by an e-mail (Paragraphs 0045 - 0048).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have updated a link after a format conversion to maintain validity of the link so that the viewer would successfully view the contents of the video file.

Re claim 13, Mostafa discloses of a method for transmitting data in a communication system as claimed in claim 12, wherein the conversion is performed at a provider of the receiver (Page 7, Line 30 - Page 8, Line 5, "*Advantageously, the media content is translated if necessary into an appropriate format, so that typically no regeneration or conversion of the media content is required at the sending entity. Thus, retransmission of the content from the sending entity can also be avoided*").

Re claim 14, Mostafa and Liwerant teach all the limitations of claim 12 as well as Liwerant further comprising verifying the link in the data between different data elements (identifier streamed back to sender A, Paragraph 0048).

Re claim 15, Mostafa discloses of a method for transmitting data in a communication system as claimed in claim 12, further comprising preparing the data for transmission as a plurality of data packets containing a header to transport organization information and a body to transmit appropriate payload information as the data elements (Page 18, Line 22 - Page 19, Line 3, "*Since the media content contained in a particular multimedia message is stored in MMS server B and the storing operation is performed via MMS relay B, MMS relay B has access to information describing the media content which, for example, was encapsulated with the multimedia message sent from MMS user agent A. MMS relay B is also aware of the properties and behavior of MMSE B as, according to currently agreed recommendations covering the implementation of the multimedia messaging service in 3rd generation networks, MMS relay B is considered to be the control point for MMSE B. This also means that MMS relay B has access to information describing the configuration and capabilities of MMS user Agent B, which, as described in connection with Figure 1, is stored in a database linked to the relay. MMS relay B is further aware of its own capabilities to convert between different media types and/or formats*").

Re claim 16, Mostafa discloses of a method for transmitting data in a communication system as claimed in claim 12, wherein the data is transmitted as a multimedia message in a Multimedia Messaging Service (Page 16, Lines 29 - 30, "*when initiating the communication of a multimedia message to MMS (multimedia messaging*

service) User agent B, MMS user agent A first selects the media content to be transmitted").

Re claim 17, Mostafa discloses of a method for transmitting data in a communication system as claimed in claim 16, wherein the data is transmitted on a WAP-enabled mobile phone (Page 2, Lines 12 - 22, "*The MMS relay is also shown to be linked with two mobile telecommunication networks. The different telecommunication networks may, for example, have different operators, different geographical locations or coverage areas and/or differ in terms of their technical characteristics. For example, they may belong to different technical generations such as GSM and UMTS (WAP-capable mobile phone*)").

Re claims 18 - 23, which claim the same subject matter as recited in claims 12-17. Therefore, claims 18-23 has been analyzed and rejected with respect to claims 12-17.

Re claim 24, Mostafa discloses of a computer program product having a computer-readable storage medium on which a program is stored which, upon loading on in a memory of a computer, enables the computer, as part of a data transmission in a communication system, to receive multimedia messaging service (MMS) data (Page 1, Lines 5 - 7) from a subscriber of the communication system (Page 13, Lines 25 – Page 15, Line 9), wherein the MMS data comprises individually linked and different data

elements that are coded to different standards, to perform at least one of a data type and a data format conversion on at least one of the data elements in accordance with a profile of a further subscriber of the communication system to receive the data. Mostafa teaches of adapting the network entity to translate the media components between at least two different formats (Page 13, Line 25 - Page15, Line 9). However, Mostafa does not specifically teach of updating a link between the different data elements, including the at least one converted data element within the MMS data, after the conversion, to maintain a validity of the link in the data between different data elements prior to the data being sent to the further subscriber.

Liwerant teaches of a sender A sending a video attached to an email to a mail server B. The mail server is bidirectional to a processing server C (Fig.1C) that performs various video and file conversion (#1425, Fig.1B) and identification processes and is in bidirectional communication with a streaming server D (#40, Figs.1A and 1B). The streaming server D also creates one or more identifiers (identification tag, URL) for the video file. The streaming server D stores the video in streaming video format and also can store an identification tag for the video on itself or on the databases (60, 61). The identification tag, or another identifier of the video, such as the thumbnail and/or the URL, is communicated back to the sender A's computer (10) by way of one or more of the streaming server D, the processing server C, and the mail server B. The operator of sender A's computer (10) can then use the identifier to request that the video be streamed to sender A's computer 10 for viewing, and/or the operator of sender A's

computer (10) can provide the identifier to another viewer, for example, by way of a Web page, or by an e-mail (Paragraphs 0045 - 0048).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have updated a link after a format conversion to maintain validity of the link so that the viewer would successfully view the contents of the video file.

Response to Arguments

Applicant's arguments filed December 24, 2008 have been fully considered but they are not persuasive.

The applicants respectfully disagree, because Liwerant does not teach that the link is updated to maintain validity of the link between different data elements. Furthermore, if one having ordinary skill in the art would nevertheless consider the teaching of Liwerant, then, when staring with the teaching of Mostafa and faced with the desire to successfully view content of video files, he would issue a new link for each conversion, as taught by Liwerant, rather than updating existing links.

Examiner submits that, as discussed above, Liwerant discloses of a sender A sending a video attached (in format 1), for example, to an email or by a way of Web page (identifier 1) to a mail server B. The mail server is bidirectional to a processing server C (Fig.1C) that performs various video and file conversion (#1425, Fig.1B) and identification processes and is in bidirectional communication with a streaming server D (#40, Figs.1A and 1B). The streaming server D creates one or more identifiers

(*identification tag, URL*) (identifier 2) for the video file (format 2). The streaming server D stores the video in streaming video format and also can store an identification tag for the video on itself or on the databases (60, 61). The identification tag, or another identifier of the video, such as the thumbnail and/or the URL, is communicated back to the sender A's computer (10) by way of one or more of the streaming server D, the processing server C, and the mail server B. The operator of sender A's computer (10) can then use the identifier (identifier 2) to request that the video (format 2) be streamed to sender A's computer 10 for viewing, and/or the operator of sender A's computer (10) can provide the identifier (identifier 2) to another viewer, for example, by way of a Web page, or by an e-mail (Paragraphs 0045 - 0048). The Examiner considers changing the identifier 1 to an identifier 2 as an update process to maintain the validity of the link. The video file (format 1) was sent to #21, #30 and #40 that was read by a link (identifier 1) and was converted to a second format changing the identification to identifier 2. Now, the sender A can provide the identifier (identifier 2) to another viewer. Therefore, the link was updated to a new link to maintain validity so as for the sender or any other viewer to be able to successfully view the contents of the video file.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ARISTOCRATIS FOTAKIS whose telephone number is (571)270-1206. The examiner can normally be reached on Monday - Thursday 6:30 - 4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chieh M. Fan can be reached on (571) 272-3042. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aristocratis Fotakis/

Examiner, Art Unit 2611

/Chieh M Fan/

Supervisory Patent Examiner, Art Unit 2611